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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2006 (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)		Docket Number (Optional) HINES	
Application Number 10/808,217		Filed 3/24/04	
For Deployable Emergency Alert System			
Art Unit 2632		Examiner Pope	
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.			
The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):			
	<u>Fee</u>	<u>Small Entity Fee</u>	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$ _____
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$ _____
<input checked="" type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$ 795
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ _____
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.			
<input checked="" type="checkbox"/> A check in the amount of the fee is enclosed.			
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.			
<input type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____ I have enclosed a duplicate copy of this sheet.			
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
I am the		Adjustment date: 07/02/2008 HDESTA1 12/22/2006 RFEKADU1 00000018 10808217 01 FC:2254 -795.00 OP	
<input type="checkbox"/> applicant/inventor.			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).			
<input checked="" type="checkbox"/> attorney or agent of record. Registration Number 37 714			
<input type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____			
<u>Robert J. Sayre</u> Signature		<u>12/15/06</u> Date	
<u>Robert J. Sayre</u> Typed or printed name		<u>616-774-9244</u> Telephone Number	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input checked="" type="checkbox"/> Total of 1 forms are submitted.			

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Refund Ref: 07/02/2008 HDESTA1 0000163424 **U.E.**

CHECK Refund Total: \$795.00

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Robert J. Sayfie, P.C.

Registered Patent Attorney

Attorney at Law

Patents, Trademarks, Litigation

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25 June 2008

Mail Stop 16
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RE: In re Application of Hines, Thomas N.
Application No.: 10/808,217
Filed March 24, 2004
Atty. Docket no. PA4-3006

REFUND REQUEST

To whom it may concern:

Enclosed is a decision on petition under 37 C.F.R. 1.137(b). We paid an extension of time fee of \$795. We hereby request a refund of this payment. Please send a check to the undersigned as soon as possible.

Contact the undersigned if you have any questions.

Sincerely,



Robert J. Sayfie

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OFFICE OF PETITIONS

In re Application of
HINES, Thomas N.
Application No. 10/808,217
Filed: March 24, 2004
Attorney Docket No. PA4-3006

DECISION ON PETITION
Under 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed May 24, 2007, to revive the above-identified application.

The petition is **GRANTED**.


The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, May 17, 2006, which set a shortened statutory period for reply of three (3) months. Accordingly, the application became abandoned on August 18, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$750; and (3) an adequate statement of unintentional delay.

It is noted that a four (4) month extension of time was concurrently filed with the untimely amendment on December 21, 2006. Unfortunately, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$795 extension of time fee submitted with the untimely response on December 21, 2006 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

The application is being referred to Technology Center Art Unit 2612 for consideration of the amendment filed December 21, 2006.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.


Brian W. Brown
Petitions Examiner
Office of Petitions